GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Home Department - Andhra Pradesh Police Manual - Amendment to the Andhra Pradesh Police Manual - Orders - Issued.

HOME (Legal.II) DEPARTMENT

G.O.Ms.No.103 **Dated:07.07.2022**

Read the following:-

1. G.O.Ms.No.19, Home(Legal.II) Department, dated:14.02.2017.
2. G.O.Ms.No.679 of General Administration (Services-C) Department, dated:01.11.2008.
3. G.O.Ms.No.57,Home (Legal.II) Department,dated:13.04.2022.
4. From the Director General of Police, Andhra Pradesh, Mangalagiri Lr.Rc.No. 5542/C3/2021, dated.07.09.2021 & 28.04.2022.

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ORDER:-

In the G.O. first read above, the Government of Andhra Pradesh have approved the revised Andhra Pradesh Police Manual submitted by the Director General of Police, Andhra Pradesh in four (4) Volumes, indicating that the Manual does not supersede any statutory rules, service rules, regulations other orders issued by the Government from time to time and if there is any contradiction and or conflict, the latter will prevail

2. In the G.O. second read above, instructions were issued directing that the disciplinary cases initiated against the Government employees shall be completed as expeditiously as possible and the existing instructions shall be adhered to.

3. In the letter fourth read above, the Director General of Police, Andhra Pradesh has stated that regarding Departmental enquiry and pendency of Criminal case against the same delinquent officer, law has been settled down by the Hon'ble Supreme Court, on the following points:

1. The degree of proof required in a departmental inquiry is vastly different than the degree of proof required to prove a criminal charge. In the departmental inquiry, the finding can be recorded in preponderance of probabilities and it is not necessary that the charge must be proved to the guilt. The departmental proceedings and the criminal proceedings are entirely different in nature. They operate in different fields and they have different objectives.
2. Departmental Proceedings and Criminal case can be Proceeded simultaneously and there is no legal bar.
3. The acquittal in a Criminal case by itself will not absolve the delinquent Officer from the delinquency of misconduct and violation of Conduct rules. The mere acquittal of an employee by Criminal Court has no impact on the disciplinary proceedings.

4. The Director General of Police, Andhra Pradesh has requested the Government to make necessary amendment to Para No.150 in Chapter 9 of Part-I, Volume-I of Andhra Pradesh Police Manual.

[P.T.O]

5. The Government after careful examination of the matter have decided to issue the following amendment to the Andhra Pradesh Police Manual issued in G.O.Ms.No.19, Home (Legal.II) Department, dated 14.02.2017 and as subsequently amended:

AMENDMENT

In the said Andhra Pradesh Police Manual, in Part –I, Volume–I in Chapter 9, for para 150, the following shall be substituted namely, -

"Criminal Misconduct by Police Officers – Action under APCS

150. Where there is a grave criminal misconduct on the part of a police officer, action should be taken in terms of APCS (CC&A) Rules. If Prosecution is also launched against such police officer in a criminal court, the departmental proceedings shall simultaneously proceed independent of the criminal proceedings and to be completed as directed in G.O.Ms.No.679 of General Administration (Services-C) Department, Dated: 01.11.2008 and be given disposal without waiting the outcomes in the criminal case."

6. The Director General of Police, Andhra Pradesh, Mangalagiri shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARISH KUMAR GUPTA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Mangalagiri.
Copy to:
The Law (C) Department.
The General Administration (Ser.A) Department.
The OSD to Minister for Home.
The P.S. to Chief Secretary.
SC/SF.

// FORWARDED::BY ORDER //

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SECTION OFFICER